

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF
JONATHAN HUGHES ET AL.
INTERNATIONAL APPLICATION NO. PCT/EP 05/000519

Group Art Unit: 1797
Examiner: Hruskoci, Peter A.

FILED: January 20, 2005

FOR: PRODUCTION OF A FERMENTATION
PRODUCT

U.S. APPLICATION NO: 10/587,582
35 USC 371 DATE: JULY 28. 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Terminal Disclaimer over U.S. App. No. 10/523,301 (37 CFR 1.321(c))

Sir:

I, Shiela A. Loggins , represent that I am the Agent of record for this invention.

Ciba Corporation, a corporation organized and existing under the laws of the State of Delaware, represents that it is the owner of the entire interest in the present application No. **10/ 587,582** by virtue of an assignment recorded March 24, 2009, reel/frame 22441/ 0057 in the United States Patent and Trademark Office.

Ciba Specialty Chemicals Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on application No. **10/ 587,582** would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of the U.S. Patent issued on app. No. **10/523,301** , filed July 30, 2003, the patent application forming the basis of the double patenting rejection. The owner hereby agrees that any patent so granted on application No. **10/587,582** shall be enforceable only for and during such period that it and the patent

issued on U.S. app. No. **10/523,301** are commonly owned, this agreement to run with any patent granted on application No. **10/587,582** and to be binding upon the grantee, its successors and assigns.

Said U.S. Patent application No. **10/523,301** is also entirely assigned to Ciba Specialty Chemicals Corporation by virtue of an assignment recorded July 7, 2008, reel/frame- 021224/ 0375 in the United States Patent and Trademark Office.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on application No. **10/587,581** that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the patent issued from application No. **10/523,301**, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term.

Signed at Tarrytown, New York, this 5th day of, May 2009.

By: Shiela A. Loggins
Shiela A. Loggins
Registration No. 56, 221
Agent of Record

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